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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 MICHAEL HOLTSINGER,

12 Plaintiff,

13 vs.

No. CIV S-03-0732 MCE CMK P

14 J. M. BRIDDLE, et al.,

15 Defendants.

ORDER

16 _____/
17 Plaintiff is a prisoner proceeding pro se and in forma pauperis with a civil rights
18 action under 42 U.S.C. §1983 This proceeding was referred to this court by Local Rule 72-302
19 by the authority of 28 U.S.C. § 636(b)(1).

20 On January 18, 2005, the court granted plaintiff leave to file an amended
21 complaint. T. Knight was named as a defendant in plaintiff's first amended complaint. A review
22 of the docket reflects that plaintiff has made several attempts to ascertain defendant Knight's
23 address through discovery and public records and has sought judicial intervention. In an order
24 filed August 30, 2005, which addressed plaintiff's February 11, 2005 request for authorization to
25 serve defendant Knight by publication, the court noted that the United States Marshal Service had
26 sent waivers to defendant Knight, but it was apparent that the United State Marshal Service

1 had not attempted to personally serve defendant Knight. In its August 30, 2005 order, the court
2 ordered the United States Marshal Service to attempt to personally serve process on defendant
3 Knight. To date, defendant Knight has not yet been served. It is unclear if the United States
4 Marshal Service has attempted personal service on defendant Knight.

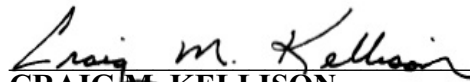
5 Accordingly, IT IS ORDERED that:

6 1. In accordance with the court's February 28, 2005 order directing the United
7 States Marshal Service to serve defendants, the United States Marshal Service is directed to
8 attempt to personally serve process upon defendant Knight pursuant to Rule 4 of the Federal
9 Rules of Civil Procedure and 28 U.S.C. § 566(c). In executing this order, the United States
10 Marshal Service shall command all necessary assistance from the CDC to personally serve
11 process on defendant Knight, including ascertaining any forwarding business and home address
12 known to the CDC. The United States Marshal Service shall maintain the confidentiality of all
13 information provided by the CDC pursuant to this order;

14 2. Within thirty days of the date that this order is filed, the United States Marshal
15 Service must file with the court a statement that personal service was attempted for defendant
16 Knight and whether it was successful and;

17 3. The Clerk of the Court is directed to serve a copy of this order on the United
18 States Marshal Service.

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20 DATED: January 11, 2006.

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23 **CRAIG M. KELLISON**
24 UNITED STATES MAGISTRATE JUDGE
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